

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	
)	
LORRAINE J. PITMAN and)	
JOSEPH A. PITMAN,)	
)	CASE NO. BK11-80016-TLS
Debtor(s).)	
JOSEPH PITMAN,)	A11-8016-TLS
)	
Plaintiff,)	8:10CV414
)	
vs.)	CHAPTER 7
)	
WAL-MART STORES, INC.,)	
)	
Defendant.)	

REPORT & RECOMMENDATION

This case was transferred from the district court because the plaintiff filed a Chapter 7 bankruptcy case.

After reviewing the matter, I respectfully recommend to the United States District Court for the District of Nebraska that reference of this case be withdrawn for further proceedings. The case involves issues of federal law not commonly dealt with by this court, and the plaintiff has requested a jury trial on those issues, which is more appropriately held in district court. These reasons favor the return of the case to the district court.

The Chapter 7 trustee is currently the real party in interest on behalf of the debtor's bankruptcy estate and, by separate order (attached hereto), has been directed to either intervene or abandon the estate's interest within 30 days.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: February 8, 2011.

RESPECTFULLY SUBMITTED,

/s/ Thomas L. Saladino
Chief Judge

Notice given by the Court to:

Mary Kay Green	Christopher R. Hedican
Todd A. West	Thomas D. Stalnaker
U.S. Trustee	